

FREEDOM OF INFORMATION COMMISSION
STATEMENT CONCERNING SB 457
AN ACT CONCERNING THE DEPARTMENT OF CORRECTION

Judiciary Committee
March 17, 2010

Although the Freedom of Information Commission does not object to Section 2 of SB 457, the proposed changes are unnecessary because they are already covered by the pre-existing list of exemptions pertaining to safety issues at DOC facilities.

Under current law, the FOI Act exempts from disclosure records where the Commissioner of DOC reasonably believes disclosure of the records may result in a safety risk. Section 1-210(b)(18) lists eight categories of records that the exemption includes, but specifies that the list is not limited only to those eight categories. Under Section 1-210(b)(18), *any* record can be exempt if the Commissioner of DOC reasonably believes disclosure may result in a risk of harm.

Section 1-210(b)(18), therefore, also includes the types of records listed in **Section 2 of SB 457**: drawings, specifications, plans and aerial depictions that relate to the physical plant, infrastructure and site conditions of correctional institutions or facilities.

Because the language of Section 2 of SB 457 does not substantively narrow access to public records, the FOIC does not object. Indeed, the FOIC helped DOC draft the proposed measure in 2009 when DOC first submitted the proposal to the legislature in HB 6709.

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